

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

JAMES GREIFF,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04357 (SMB)

**DECLARATION OF NICHOLAS J. CREMONA IN SUPPORT OF MEMORANDUM OF
LAW IN OPPOSITION TO MOTION FOR A STAY OF TRIAL PURSUANT TO RULE
5011(C) PENDING RULING BY DISTRICT COURT ON DEFENDANT'S
MOTION TO WITHDRAW THE REFERENCE**

Pursuant to 28 U.S.C. § 1746, NICHOLAS J. CREMONA hereby declares as follows:

1. I am a partner at Baker & Hostetler LLP, counsel for Irving H. Picard, Plaintiff in the above-captioned avoidance actions, and I submit this declaration in support of the Trustee's Memorandum Of Law In Opposition To Motion For A Stay Of Trial Pursuant To Rule 5011(C)

Pending Ruling By District Court On Defendant's Motion To Withdraw The Reference filed by defendant James Greiff (the "Defendant").

2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the Hearing Regarding Pre-Trial Conference, *Picard v. Greiff*, Adv. Pro. No. 10-04387 (SMB) (Bankr. S.D.N.Y. February 20, 2020), ECF No. 111.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Order on Application For An Entry Of An Order Approving Form And Manner Of Publication And Mailing Of Notices, Specifying Procedures For Filing, Determination, And Adjudication Of Claims; And Providing Other Relief, *Sec. Inv'r Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, No. 08-01789 (SMB) (Bankr. S.D.N.Y. Dec. 23, 2008), ECF No. 12.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Trustee's Notice of Determination of the Defendant's filed customer claim in relation to his customer account with Bernard L. Madoff Investment Securities LLC, dated August 28, 2009.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Order (1) Upholding Trustee's Determination Denying Customer Claims For Amounts Listed On Last Customer Statement; (2) Affirming Trustee's Determination Of Net Equity; and (3) Expunging Those Objections With Respect To The Determinations Relating to Net Equity, *In re: Bernard L. Madoff*, No. 08-01789 (SMB) (Bankr. S.D.N.Y. March 8, 2010), ECF No. 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2020
New York, New York

/s/ Nicholas J. Cremona
Nicholas J. Cremona